REMARKS/ARGUMENTS

The number of claims in this application was 36 and as a result of this amendment 36 claims remain in the application.

Drawings

The Examiner has required new corrected drawings in compliance with 37 CFR 1.121(d) and has objected to the drawings under 37 CFR 1.84(p)(5) for not including numerals 128, 132, 133 and 134 mentioned in the description, paragraph 45.

Formal drawings Figures 1-13 are submitted for replacement of the informal drawings of Figures 1-13 as originally filed. No amendments have been made to the drawings. The Examiner has overlooked the numerals 128, 132, 133 and 134 which appear in Figure 7 as originally filed. Therefore the Examiner's objection to the drawings should be rescinded.

Claim Objections

The Examiner has objected to the Specification for clerical errors in paragraph 45 and paragraph 49, regarding the mistakenly referenced body member 122 and stop member 140. The defects have been corrected in amended paragraphs 45 and 49. Therefore, the Examiner's objection to the specification is traversed.

The Examiner has objected to claim 27 because the term "the frame structure" lacks proper antecedent basis. This clerical error in claim 27 is corrected in amended claim 27. Therefore the Examiner's objection to claim 27 is traversed.

Applicant has taken this opportunity to amend claims 18 and 19 to correct clerical errors therein.

Claim Rejections – 35 U.S.C § 102

Claims 1, 11 and 27 have been amended to more clearly distinguish the claimed invention over the prior art.

Under 35 USC § 102 the Examiner has rejected claims 1-4, 12, 13 and 15-17 as being anticipated by Kiel (United States patent 3,415,531).

AMENDMENTS TO THE DRAWINGS

The attached 9 sheet(s) of drawings include changes to FIG.1-13

Appendix A: 9 Replacement Sheet(s) including FIGURES 1-13

Kiel discloses a rocking wheelchair in which the rocking motion of the chair is possible only when the driving wheels are braked and an anti-tilt leg is engaged with the ground at the rear. With the wheels unbraked and the anti-tilt leg out of engagement with the ground, the chair is locked against a rocking motion. Kiel's rocking wheelchair does not have a rocking motion controlling system as claimed in amended claim 1 of the present invention which includes a first rocking motion setting device for **adjustably** setting a selected maximum rocking motion according to a user's preference. Furthermore, Kiel's chair does not have a rocking motion controlling system as claimed in claim 2 of the present invention which further includes a second rocking motion setting device for **ensuring that the selected maximum rocking motion of the first rocking motion setting device is not greater than a predetermined level.** The Examiner has misinterpreted the rear and forward stops 80 and 82 in Figure 2 of Kiel's rocking chair as the first and second motion setting devices of the present invention. Kiel's chair generally includes rear and forward stops 80 and 82 respectively, for selectively engaging the respective rear and forward underside of the chair frame **to hold it against rocking** (column 2, lines 51-53). The operation of stops 80, 82 are further clearly described by Kiel as follows:

> (Column 3, lines 71-75) ...as lever 86 is moved rearwardly, the front stop 82 is moved in an arc rearwardly by link 126 to its solid line position in FIG. 2 where it is out of contact with the chair frame and **will not interfere** with any rocking motion thereto.
>
> (Column 4, lines 6-9) **Simultaneously** with the lowering of legs 78 to floor level, the rear stop 80 is moved rearwardly and downwardly **completely out of contact** with the bottom of the chair frame.
>
> (Column 4, lines 16-22) When lever 86 is moved or pushed forwardly to the broken line positions in FIG. 2, the various interactions described above are reversed whereby brake 84 is released, legs 78 are elevated and stops 80 and 82 are moved into positions where they abut the respective rear and forward lower edge of the chair frame **to prevent any rocking motion** thereof.

It is clear from the above-description, that stops 80 and 82 are synchronized with brake 84 and leg 78, and have a first position to permit the rocking position of the chair without any interference, and a second position to prevent any rocking motion thereof for moving the chair on the ground. Therefore, the stops 80 and 82 act as a rocking motion locking device and do not function as an adjustable rocking motion setting device (the first rocking motion setting device of the claimed invention) or as a fixed rocking motion setting device (the second rocking motion setting device of the claimed invention). Therefore, the Examiner's rejection of claims 1 and 2 are traversed.

Claims 3-4, 12, 13 and 15-17 depend direction or indirectly from claim 1 and are therefore allowable for the reason set forth above.

The Examiner has rejected claims 1-5, 12, 14-17, 27-30 and 34-36 under 35 USC § 102(b) as being anticipated by Mentessi et al. (United States patent 5,294,141). Mentessi et al. disclose a convertible pivoting chair with static tilt position while the wheelchair of the present invention provides dynamic and continuous rocking motion by the kinetic energy alternately stored in and released from a bias means (a spring device) between the seat assembly and the frame structure.

The Examiner has misinterpreted the wire actuated clamp means 44 in Fig. 5 of Mentessi et al.'s chair, as the bias means of the claimed invention. The clamp means 44 of Mentessi et al.'s chair (as described in column 3, lines 49-55) permits the attendant to pivot the seat 10 to any desired position between the upright position of Fig. 1 and the pivoted position of Fig. 2, when depressing the levers to release the clamp means. By merely releasing the levers, the Mentessi et al.'s clamp means are actuated to tightly grip the second ends of the rods and hold the seat in the desired position. It is clear from the above-description that the clamp means 44 is not a spring means, as claimed in amended claims 1 and 27 of the present invention and cannot result in a yieldable rocking motion of the seat assembly. Therefore, the Examiner's rejection of claims 1 and 27 are traversed.

Claims 2-5, 12, 14-17, 28-30 and 34-36 depend directly or indirection from amended independent claims 1 and 27, and are therefore allowable for the reason set forth above.

Furthermore, the footrest of the present invention as claimed in claim 30 can be selectively mounted to the wheelchair in a first position in which the footrest is adapted to rock together with the seat assembly, and a second position in which the footrest is stationary with respect to the seat assembly during a rocking motion. Kiel discloses a footrest 40 slidably attached to the frame and thus, remains stationary when the seat portion 14 is in a rocking motion. Mentessi et al. disclose a footrest 60 to be mounted in selective positions of the seat such that the footrest 60 always pivots together with the seat when the seat pivots, regardless of which positions of the selective holes 62a the footrest 60 is attached. Neither Kiel nor Mentessi et al. teach a footrest which can be changeable between attachment to the rocking seat assembly and attachment to the chair frame structure in order to achieve the selection of the two claimed functions.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 31-33 under 35 USC § 103(a) as being unpatentable over Mentessi et al. in view of O'Neill, Sr. (United States patent 6,257,609)

Claims 31-33 depend directly or indirectly from claim 30, further reciting the features of the footrest claimed in claim 30. O'Neill, Sr. discloses a tilt-in-space wheelchair having a footrest vertically and adjustably attached to the seat but does not teach the interchangeability of the footrest between attachment to the seat assembly and attachment to the frame structure, as in the claimed invention. Therefore, the combination of Mentessi et al. with O'Neill, Sr. does not teach the feature cited in claim 30. Therefore, claim 30 together with claims 31-33 are allowable for the reason set forth above.

Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's indication of the allowability of claims 18-26.

The Examiner has objected to claims 6-11 but has indicated the allowability thereof if written in independent form including all of the limitations of the base claim and any intervening claims. The Examiner's objection to claims 6-11 is traversed because claims 6-11 now depend from an allowable base claim (amended claim 1) and all allowable intervening claims.

No new subject matter has been added.

It is believed that this application is now in condition for immediate allowance. Favourable reconsideration and early issuance of the Notice of Allowance are respectfully solicited.

Respectfully submitted,

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